

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:24-cv-02249-JPM-tmp
)	JURY DEMAND
NEW-TECH PACKAGING,)	
Garnishee,)	
)	
and)	
)	
MICHAEL JOHNSON,)	
Defendant.)	
)	

ORDER STAYING APPLICATION FOR WRIT OF GARNISHMENT

A Writ of Continuing Garnishment, directed to Garnishee New-Tech Packaging, has been duly issued and served upon the Garnishee. (ECF No. 5.) Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer on May 9, 2024 (ECF No. 7.) It states that at the time of the service of the writ, Garnishee had in their possession or control earnings or personal property belonging to and due or will become due to Defendant. (Id. at PageID 47.) It also states, however, that Defendant has filed for bankruptcy. In re Johnson, Case No. 24-21626 (W. D. Tenn. Filed Apr. 8, 2024); (ECF No. 7 at PageID 46.)

With some exceptions, the filing of a bankruptcy petition operates as a stay of “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before” filing of the bankruptcy petition. 11 U.S.C. § 362(a)(1). This circuit has held that because collecting on an existing order of garnishment is a “continuation...of a

judicial...proceeding against the debtor[,]” the garnishor must discontinue any garnishment occurring thereunder. In re Mitchell, 66 B.R. 73, 74-75 (S.D. Ohio 1986). It follows that pursuit of such a garnishment order also constitutes “commencement or continuation...of a judicial...proceeding.” 11 U.S.C. § 362(a)(1).

This action is hereby **STAYED** pending resolution of In re Johnson. Case No. 24-21626. If Plaintiff disputes this holding, it may file a motion to amend this order, citing authority that issuing an order for garnishment does not violate the automatic stay.

IT IS SO ORDERED, this 6th day of June, 2024.

/s/ Jon P. McCalla

JON P. McCALLA

UNITED STATES DISTRICT JUDGE